



Attorney Docket No. 109312.120

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tse *et al.* )  
 ) Group Art Unit: 1641  
Serial No.: 09/936,170 )  
 ) Examiner: G. Gabel  
Filed: February 1, 2002 )  
 )  
For: SELECTION OF INTRACELLULAR )  
IMMUNOGLOBULINS )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Provisional Response to Restriction Requirement and Request for Reconsideration of  
Restriction Requirement Under 37 C.F.R. § 1.143**

This response is submitted in reply to the Restriction Requirement dated February 28, 2005, for which a response is due on or before March 28, 2005. No fee is believed to be due; however, the Commissioner is authorized to charge any necessary fees to Deposit Account No. 08-0219 to maintain the pendency of the present application.

**I. Request for Reconsideration of Restriction Requirement**

Under 37 C. F. R. § 1.143, Applicants respectfully request reconsideration of the restriction requirement dated February 28, 2005.

The Examiner restricted the invention as follows:

Group I	claims 1-17	method of determining binding of antibody to antigen in an intracellular environment
Group II	claim 18	generating an antibody

A restriction requirement is proper when (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner. Applicants respectfully submit that

Groups I and II are closely linked and that the examination of these groups together would not pose a serious burden on the Examiner.

To show that the inventions are distinct, the Examiner must show either that (1) there is a separate classification of the claims; (2) a separate status in the art when they are classifiable together; or (3) a different field of search. Applicants respectfully submit that Group I, claims 1-17, and Group II, claim 18, are closely related. Both Group I and Group II are drawn to the same inventive concept, namely the use of intracellular immunoglobulins. A search of the prior art of the methods of Group I would also necessarily encompass a search of the prior art of the methods of Group II and there will be no undue burden on the Examiner to examine these two groups together.

For these reasons, Applicants respectfully request that the restriction requirement be revised so that claims 1-18 be examined together in the same group.

## **II. Provisional Response to Restriction Requirement**

Applicants provisionally elect Group I, claims 1-17, with traverse.

## **III. Conclusion**

Applicants respectfully request that the restriction requirement be withdrawn in regard to Groups I and II. An early and favorable consideration and allowance of claims 1-18 is respectfully requested.

Respectfully submitted,



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